

A. G. Contract No. KR93 1366TRN
ECS File: JPA 93-89
Project: G2932 06P
Section: Sierra Vista
Transit Study

INTERGOVERNMENTAL AGREEMENT

BETWEEN

THE STATE OF ARIZONA

AND

THE CITY OF SIERRA VISTA

THIS AGREEMENT is entered into 3 August, 1993, pursuant to Arizona Revised Statutes, Sections 11-951 through 11-954, as amended, between the STATE OF ARIZONA, acting by and through its DEPARTMENT OF TRANSPORTATION (the "State") and the CITY OF SIERRA VISTA, acting by and through its MAYOR and CITY COUNCIL (the "City").

I. RECITALS

1. The State is empowered by Arizona Revised Statutes Section 28-108 and 28-112 to enter into this agreement and has by resolution, a copy of which is attached hereto and made a part hereof, resolved to enter into this agreement and has delegated to the undersigned the authority to execute this agreement on behalf of the State.

2. The City is empowered by Arizona Revised Statutes Section 48-572 to enter into this agreement and has by resolution, a copy of which is attached hereto and made a part hereof, resolved to enter into this agreement and has authorized the undersigned to execute this agreement on behalf of the City.

3. The State and the City desire to hire a consultant to conduct a Sierra Vista area Transit Study to develop and formulate a transit plan for the City, at an estimated cost of \$30,000.00, hereinafter referred to as the Project.

THEREFORE, in consideration of the mutual agreements expressed herein, it is agreed as follows:

NO. <u>17893</u>
FILED WITH SECRETARY OF STATE
Date Filed <u>08/03/93</u>
<u>Richard Mahoney</u> Secretary of State
By <u>Dicky J. Greenwald</u>

II. SCOPE

1. The State will:

a. Review Project progress reports and submittals and provide comments to the City or the consultant as appropriate. Review and approve the final report prior to the City's final payment to the consultant.

b. Contribute a maximum of \$24,000.00 to the Project. Be responsible for any consultant claims for extra compensation attributable to the State.

c. No more often than monthly, reimburse the City on an actual cost basis, in a total amount not to exceed \$24,000.00, within thirty (30) days after receipt and approval of invoices.

2. The City will:

a. Hire a professional transit planning consultant to accomplish the Project. Be the lead agency for the Project.

b. Provide the State timely copies of Project progress reports and submittals, and insure the incorporation of State review comments. Provide the State a copy of the final report, and obtain the State's approval prior to making final payment to the consultant. Accept the final report on behalf of the parties hereto.

c. Provide any required matching funds, and be responsible for all costs over and above the State's \$24,000.00 share, and for any consultant claims for extra compensation attributable to the City.

d. No more often than monthly, invoice the State on an actual cost basis, with no profit or fee, in an amount not to exceed \$24,000.00, for the State share of the Project.

III. MISCELLANEOUS PROVISIONS

1. This agreement shall remain in force and effect until Project completion; provided, however, that this agreement may be cancelled at any time prior to the award of a consultant contract, upon thirty (30) days written notice to the other party.

2. The only interest of the Department of Transportation in this agreement is to convey federal pass through funds for the use and benefit of the City by reason of State and Federal law under which funds for the activities are authorized to be expended.

3. Should the work contemplated under this agreement be completed at a lower cost than the reimbursed amount, or for any other reason should any of these funds not be expended, a proportionate amount of the funds provided shall be reimbursed to the State.

4. This agreement shall become effective upon filing with the Secretary of State.

5. This agreement may be cancelled in accordance with Arizona Revised Statutes Section 38-511.

6. The provisions of Arizona Revised Statutes Section 35-214 are applicable to this contract.

7. In the event of any controversy which may arise out of this agreement, the parties hereto agree to abide by required arbitration as is set forth for public works contracts in Arizona Revised Statutes Section 12-1518.

8. All notices or demands upon any party to this agreement shall be in writing and shall be delivered in person or sent by mail addressed as follows:

Arizona Department of Transportation
Joint Project Administration
205 South 17 Avenue, Mail Drop 616E
Phoenix, AZ 85007

City of Sierra Vista
City Manager
2400 E. Tacoma Street
Sierra Vista, AZ 85635

9. Attached hereto and incorporated herein is the written determination of each party's legal counsel that the parties are authorized under the laws of this state to enter into this agreement and that the agreement is in proper form.

IN WITNESS WHEREOF, the parties have executed this agreement
the day and year first above written.

CITY OF SIERRA VISTA

STATE OF ARIZONA

Department of Transportation

By Richard Archer
RICHARD ARCHER
Mayor

By Harry A. Reed
HARRY A. REED, Director
Transportation Planning
Division

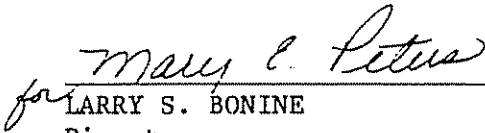
ATTEST

By Sandra L. Kenny
SANDRA KENNY
City Clerk

RESOLUTION

BE IT RESOLVED on this 21st day of June 1993, that I, the undersigned LARRY S. BONINE, as Director of the Arizona Department of Transportation, have determined that it is in the best interests of the State of Arizona that the Department of Transportation, acting by and through the Transportation Planning Division, to enter into an agreement with the City of Sierra Vista for the purpose of defining responsibilities for the pass through of federal funds for the City to conduct an area Transit Study.

Therefore, authorization is hereby granted to draft said agreement which, upon completion, shall be submitted for approval and execution by the Director, Transportation Planning Division.


for LARRY S. BONINE
Director

RESOLUTION 3035

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF SIERRA VISTA, COCHISE COUNTY, ARIZONA; AUTHORIZING THE MAYOR TO SIGN AN INTERGOVERNMENTAL AGREEMENT WITH THE ARIZONA DEPARTMENT OF TRANSPORTATION FOR THE CITY OF SIERRA VISTA AREA TRANSPORTATION STUDY; AND AUTHORIZING AND DIRECTING THE CITY MANAGER, CITY CLERK, CITY ATTORNEY OR THEIR DULY AUTHORIZED OFFICERS AND AGENTS TO TAKE ALL STEPS NECESSARY TO CARRY OUT THE PURPOSES AND INTENT OF THIS RESOLUTION.

WHEREAS, the City of Sierra Vista is authorized to enter into intergovernmental agreements with other agencies pursuant to ARS §48-572; and

WHEREAS, the City of Sierra Vista has made application and has been allocated funding up to \$30,000 from the Arizona Department of Transportation for transportation studies; and

WHEREAS, the City of Sierra Vista is able to meet the terms of the agreement, and it would be in the best interests of the City.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF SIERRA VISTA, ARIZONA, AS FOLLOWS:

SECTION 1

That the policy of cooperating with other governmental agencies, most recently affirmed by Resolution 3023, be, and hereby is, reaffirmed.

SECTION 2


That an intergovernmental agreement between the Arizona Department of Transportation and the City for the City of Sierra Vista Area Transportation Study, attached as Exhibit A, be, and hereby is, approved.

SECTION 3

The City Manager, City Clerk, City Attorney, or their duly authorized officers and agents are hereby authorized and directed to take all steps necessary to carry out the purposes and intent of this Resolution.


RESOLUTION 3035
PAGE ONE OF TWO

PASSED AND ADOPTED BY THE MAYOR AND CITY COUNCIL OF
THE CITY OF SIERRA VISTA, ARIZONA, THIS 24TH DAY OF JUNE, 1993.



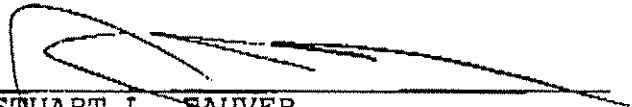
THOMAS J. HESSLER
Mayor Pro Tem

ATTEST:



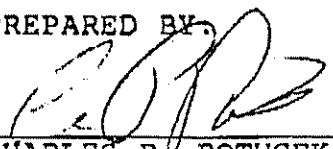
SANDRA L. KENNY
City Clerk

APPROVED AS TO FORM:



STUART L. FAUVER
City Attorney

PREPARED BY:



CHARLES P. POTUCEK
Assistant to the City Manager

RESOLUTION 3035
PAGE TWO OF TWO

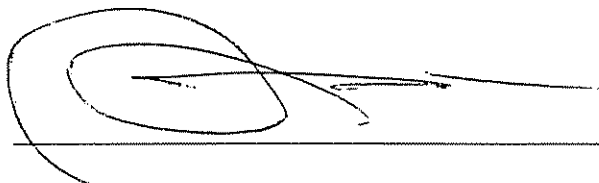
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JPA 93-89

APPROVAL OF THE SIERRA VISTA CITY ATTORNEY

I have reviewed the above referenced proposed intergovernmental agreement, between the DEPARTMENT OF TRANSPORTATION, HIGHWAYS DIVISION and the CITY OF SIERRA VISTA and declare this agreement to be in proper form and within the powers and authority granted to the City under the laws of the State of Arizona.

DATED this 24 day of June, 1993.



City Attorney



STATE OF ARIZONA

OFFICE OF THE ATTORNEY GENERAL

GRANT WOODS
ATTORNEY GENERAL

1275 WEST WASHINGTON, PHOENIX 85007-2926

MAIN PHONE : 542-5025
TELECOPIER : 542-4085

INTERGOVERNMENTAL AGREEMENT
DETERMINATION

A. G. Contract No. KR93-1366-TRN, an agreement between public agencies, has been reviewed pursuant to A.R.S. §11-952, as amended, by the undersigned Assistant Attorney General who has determined that it is in the proper form and is within the powers and authority granted to the State of Arizona.

No opinion is expressed as to the authority of the remaining parties, other than the State or its agencies, to enter into said agreement.

DATED this 27th day of July, 1993.

GRANT WOODS
Attorney General

A handwritten signature in dark ink, reading "James R. Redpath", is written over a horizontal line.

JAMES R. REDPATH
Assistant Attorney General
Transportation Section